

ITEM # \_\_\_\_\_

**SEMINOLE COUNTY GOVERNMENT**  
**LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION**  
**AGENDA MEMORANDUM**  
*(Continued from 9/15/04)*

**SUBJECT:** Heathrow International Business Center PUD Major Amendment

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Matthew West **CONTACT:** Tina Deater **EXT:** 7440

**Agenda Date** 10/6/04 **Regular** ☐ **Work Session** ☐ **Briefing** ☐  
**Special Hearing – 6:00** ☐ **Public Hearing – 7:00** ☒

**MOTION/RECOMMENDATION:**

1. Recommend APPROVAL of the request for a major amendment to the Heathrow International Business Center PUD (rezoning from PUD to PUD), consisting of approximately 407.1 acres, approximately bounded by CR 46A, Interstate 4, Lake Mary Boulevard, and Banana Lake Road, subject to the attached Second Amendment to the Third Amended and Restated Commitments, Classification, and District Description for the Heathrow International Business Center Planned Unit Development (Meredith H. Pickens, applicant); or
2. Recommend DENIAL of the request for a major amendment to the Heathrow International Business Center PUD (rezoning from PUD to PUD), consisting of approximately 407.1 acres, approximately bounded by CR 46A, Interstate 4, Lake Mary Boulevard, and Banana Lake Road, subject to the attached Second Amendment to the Third Amended and Restated Commitments, Classification, and District Description for the Heathrow international Business Center Planned Unit Development (Meredith H. Pickens, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 5 – Commissioner McLain

Tina Deater, Senior Planner

**BACKGROUND:**

This item was continued from the 9/15/04 meeting at the request of the applicant.

The Heathrow International Business Center PUD was originally approved on October 20, 1988. A portion of the PUD is within unincorporated Seminole County and a portion is within the City of

Reviewed by:	<u>JD</u>
Co Atty:	_____
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No.	<u>Z2004-029</u>

Lake Mary. At this time, the applicant, Meredith H. Pickens, is requesting approval of a Major Amendment to the Heathrow International Business Center PUD, consisting of the following changes:

1. Changing the name of the PUD from Heathrow International Business Center to Colonial Center Heathrow,
2. Changing the use designations of Tract "D" and Tract "O" from office to multi-family, and Tract "P" from office to multi-family and office (Tract "D" is entirely within the City of Lake Mary and is proposed to be built as town homes, Tracts "O" and "P" are within Seminole County, approximately 15 acres are proposed to be changed from office to multi-family within the County),
3. Increasing the total number of multi-family units allowed in the PUD from 313 units to 768 units (an increase of 455 units, of which 300 apartment units are proposed within the County and 155 townhouse units are proposed within the City of Lake Mary ),
4. Allowing the future conversion of land uses within the PUD utilizing the existing conversion matrix in the Second Amendment to Third Amended and Restated Development Order for the Heathrow International Business Center Development of Regional Impact to achieve a maximum of 1400 multi-family units in the future (a potential increase of 819 units more than the 581 currently allowed),
5. Decreasing the amount of approved office space from 2,984,000 square feet to 2,759,000 square feet (a decrease of 225,000 square feet).

The Board should also be aware that the applicant is also in the process of a Development of Regional Impact (DRI) Notice of Proposed Change (NOPC) for this proposed project, however the Planning and Zoning Commission does not take action on DRI NOPCs.

**STAFF RECOMMENDATION:**

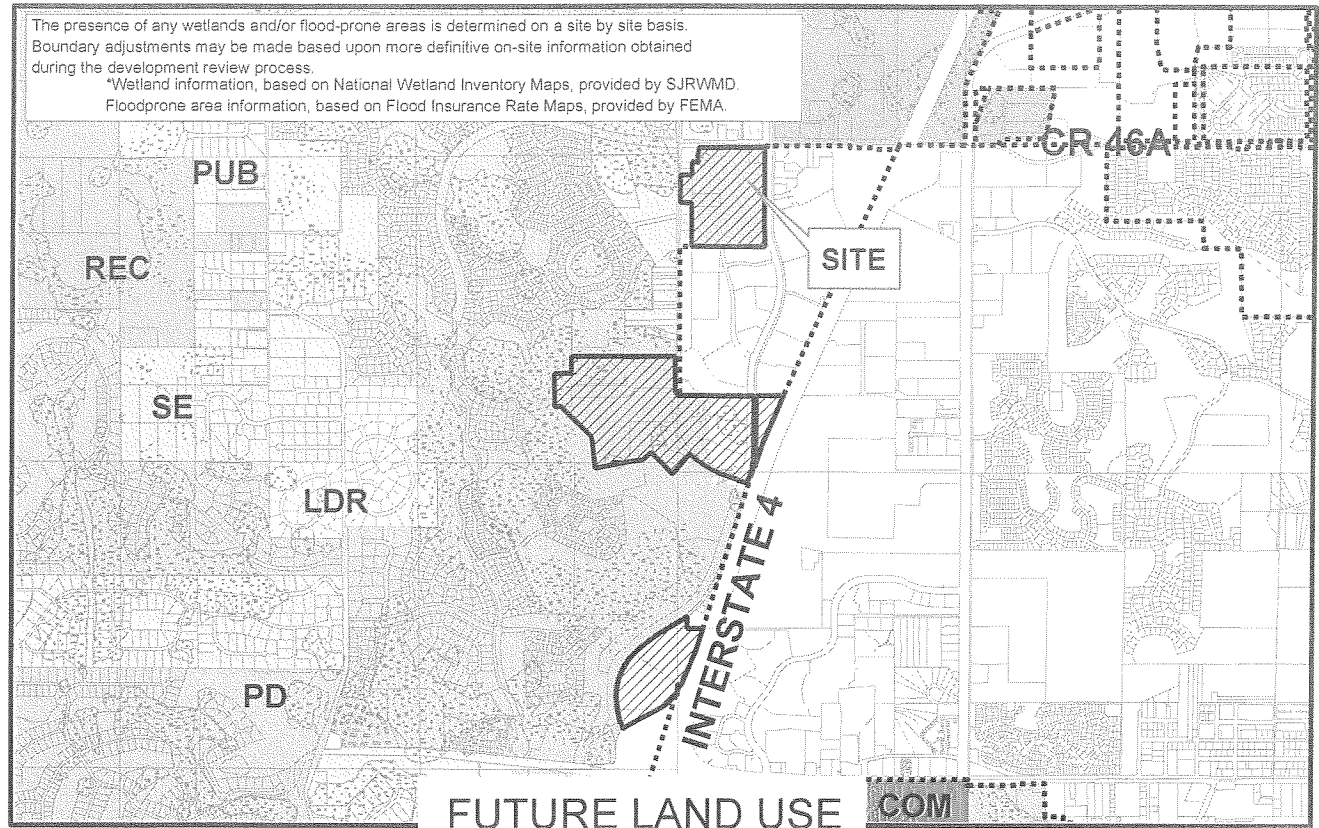
Staff recommends CONTINUANCE of this item until such time that the applicant can address the economic, school and water capacity issues; however, should the Board choose to recommend approval of the major amendment to the Heathrow International Business Center PUD, staff recommends that it be subject to the attached Second Amendment to the Third Amended and Restated Commitments, Classification, and District Description for the Heathrow International Business Center Planned Unit Development, with the following conditions:

1. That the future conversion of any office square footage to residential units shall be subject to the already existing conversion matrix based on peak hour traffic, which is part of the DRI Development Order, and an additional conversion matrix based

on potable water consumption, which shall be reviewed and approved by the Board of County Commissioners;

2. That any additional residential units added in the future (up to a maximum of 1400 using the conversion matrix) shall be restricted to Tracts "C-1", "D", "O", and "P"; and
3. That any approval of additional units above the 313 already approved shall be subject to concurrency testing to ensure adequate service capacities.

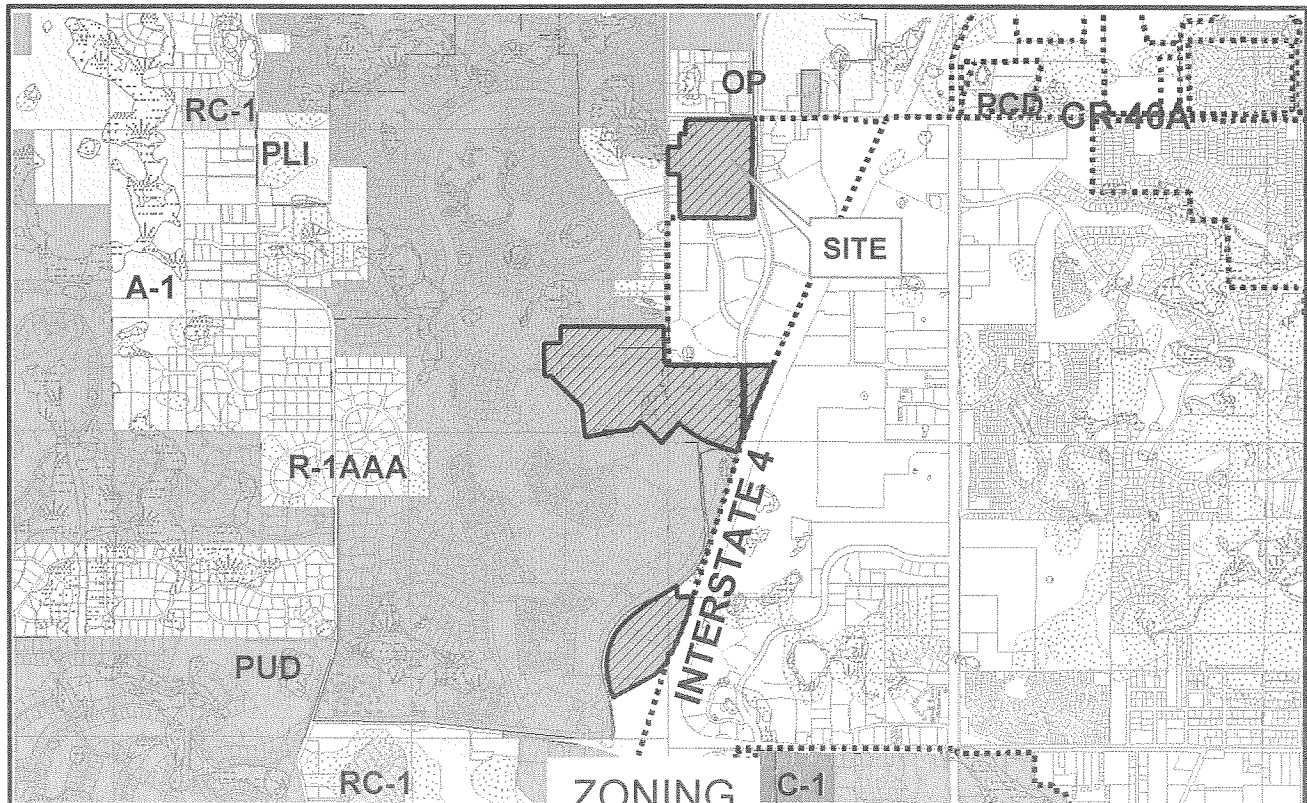
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.  
Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
\*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site 
 Municipality 
 SE 
 LDR 
 MDR 
 PD 
 OFF 
 COM 
 IND  
 HIPTI 
 PUB 
 REC 
 CONS

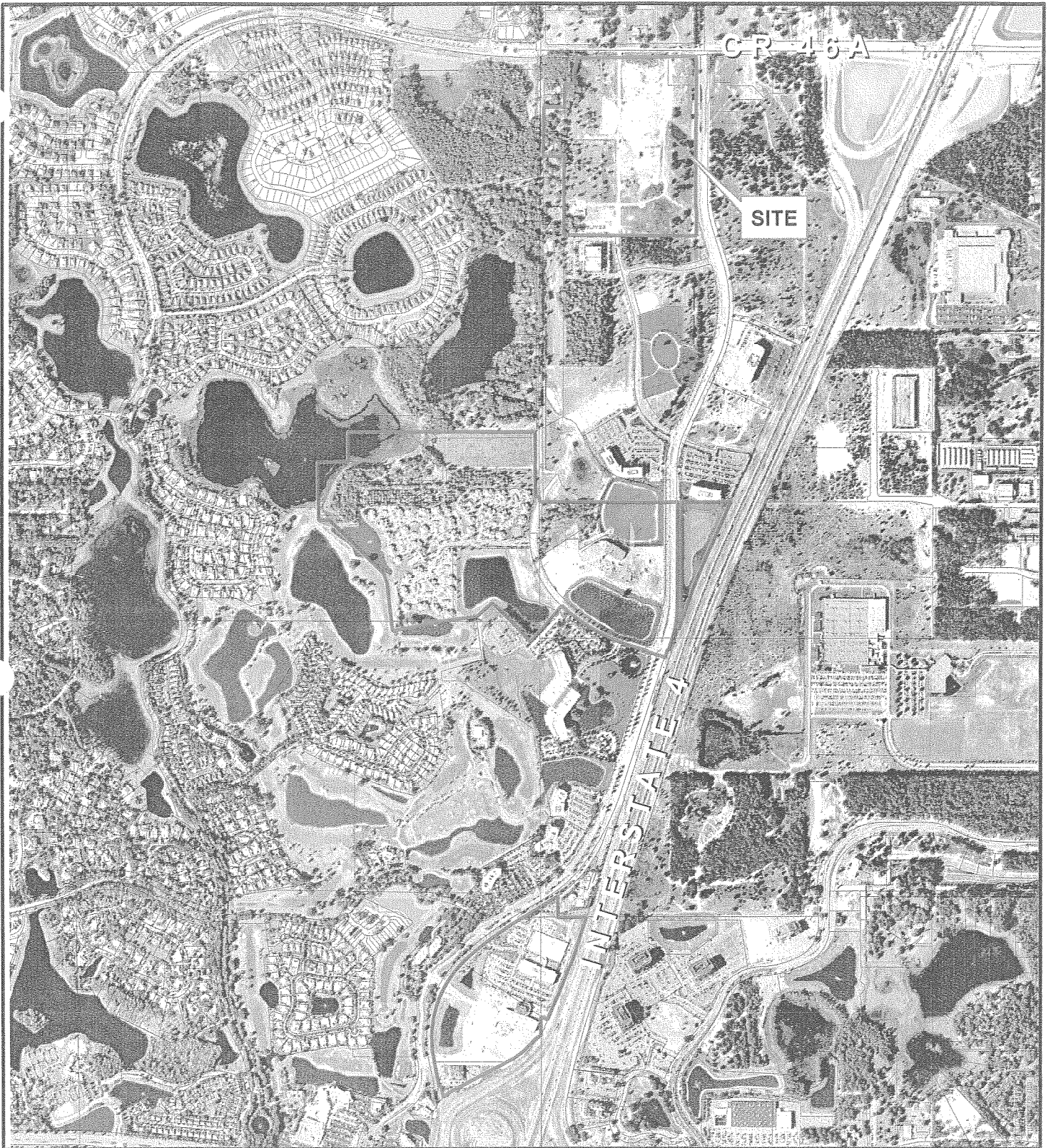
Applicant: Heathrow 4 LLC  
 Physical STR: part of 12-20-29 and 06-20-30  
 Gross Acres: 436.7 BCC District: §  
 Existing Use: Mixed Use, Multi-Family, Office, and Retail  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-029	PUD	PUD



Site 
 R-1AAA 
 OP 
 C-1 
 PUD 
 PCD 
 A-1 
 RC-1 
 PLI  
 FP-1 
 W-1





Rezone No: Z2004-029  
 From: PUD To: PUD

 Parcel  
 Subject Property



February 1999 Color Aerials

**Attachments:**

Objection letters from DCA and ECFRPC

Statement from the School Board and Applicant Rebuttal

Ordinance

Second Amendment to the Third Amended and Restated Commitments, Classification,  
and District Description Colonial Center Heathrow Planned Unit Development

Color Maps

# Heathrow International Business Center PUD Major Amendment

Rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development)		Z2204-029
<b>REQUEST</b>		
APPLICANT	Meredith H. Pickens, Shutts & Bowen LLP	
REZONING	PUD (Planned Unit Development District) to PUD (Planned Unit Development District)	
FUTURE LAND USE	PD (Planned Development)	
APPROXIMATE GROSS ACRES	Heathrow International Business Center PUD contains approximately 407.1 acres	
LOCATION	Approximately bounded by CR 46A, Interstate 4, Lake Mary Boulevard, and Banana Lake Road	
BCC DISTRICT	District 5 – Commissioner McLain	
<b>RECOMMENDATIONS AND ACTIONS</b>		
STAFF RECOMMENDATION	Staff recommends CONTINUANCE of this item until such time that the applicant can address the economic, school and water capacity issues	

## STAFF ANALYSIS & FINDINGS

1. **Property Owners:** Colonial Realty Limited Partnership, Heathrow 4 LLC, and Heathrow 6 LLC
2. **Development Trends:** The Heathrow International Business Center PUD currently contains a combination of office, retail/commercial, and multi-family uses.

## ***SITE DESCRIPTION***

**1. EXISTING AND PERMITTED USES:** The Future Land Use and zoning of surrounding properties are as follows:

<b>Location</b>	<b>Future Land Use*</b>	<b>Zoning*</b>	<b>Current Use</b>
Site: Tracts "O" and "P"	PD (Planned Development)	PUD (Planned Unit Development District)	Vacant
North	Office (Proposed Florence Arbor PUD)	A-1 (Agriculture District) (Proposed Florence Arbor PUD)	Vacant, Single-family
South	PD (Planned Development)	PUD (Heathrow International Business Center)	Vacant
East	PD (Planned Development)	PUD (Heathrow International Business Center)	Retail Center
West	PD (Planned Development)	PUD (Heathrow International Business Center)	Vacant, Single-family

*\*See enclosed future land use and zoning maps for more details.*

As identified from the Property Appraiser's future land use map, 378 acres of the unincorporated area in Seminole County are designated for Office land use. Approximately 52 acres are within conservation areas and are assessed as unbuildable until field checked. Of the remaining 326 acres, 107 already have a non-residential structure on the property such as office, school, or retirement home. This leaves a total of 219 buildable acres under the Office designation of which a portion are currently built as single family residential, the remaining being vacant acres. In general the parcels are less than 5 acres in size. As a note, office use already approved or built on properties with a land use designation of Planned Development or Higher Intensity Planned Development (HIP) have not been counted as part of these figures.

### **SITE ANALYSIS:**

#### **Facilities and Services:**

A review of the availability of public facilities to serve this property indicates that adequate public facilities either exist or could be made available. Staff is recommending continuance of this item, in order to give staff and the applicant time to address the potable water, school and economic development issues.



### **Water and Sewer:**

Adequate facilities and services must be available concurrent with the impacts of development. The subject property is located within the Seminole County water and sewer service areas. Water, sewer and reclaimed water services are available to the site. There may be a problem, however, with potable water capacity based on the restrictions of the consumptive use permit issued by St. Johns River Water Management District. This project is also a Development of Regional Impact (DRI) Notice of Proposed Change (NOPC). Although the Planning and Zoning Commission does not take action on DRI NOPCs, the Board should be aware that the Department of Community Affairs (DCA) and the East Central Florida Regional Planning Council (ECFRPC) have objected to the DRI NOPC portion of the proposed amendment on the basis of a lack information regarding potable water capacity, and they are recommending that the applicant address water capacity issues to the satisfaction of the St. Johns River Water Management District. Staff is recommending that the future conversion of any office square footage to residential units should be subject to not only the already existing conversion matrix based on peak hour traffic that is already part of the DRI Development Order, but also subject to a conversion matrix based upon potable water consumption. This matrix would allow the conversion of office square footage to residential units, based on the gallons per day consumption of water. At the time of the writing of this report, the applicant has not adequately addressed this issue, and therefore, staff is recommending continuance of this item, in order to give staff and the applicant time to address the water capacity issue. Copies of the objection letters from DCA and ECFRPC are attached.

### **Compliance with Environmental Regulations:**

At this time there are no concerns regarding compliance with environmental regulations. The developer will be required to comply with all regulations of the Seminole County Land Development Code at the time of site plan approval.

### **Compatibility with Surrounding Development:**

The Heathrow International Business Center PUD contains a combination of office, retail/commercial, and multi-family uses. Objective 4 of the Design Element of the Vision 2020 Comprehensive Plan is to encourage mixed-use corridors and centers with stronger connectivity and more attractive physical design. Staff believes that allowing additional multi-family units will result in a greater mix of uses within the PUD and have the positive benefit of reducing sprawl, promoting diverse housing types and prices, and reducing traffic by allowing people to live near where they work. Having adequate multi-family housing available is particularly important for the Heathrow International Business Center PUD because it is approved for a college/university element that will have 860 students in the future. As part of the Evaluation and Appraisal Report (EAR) on the Vision 2020 Comprehensive Plan, completed in 1998, staff completed a residential needs analysis that indicated that by the year 2020, there are a projected 18,000 residents in the unincorporated areas that will need housing not provided by our Future Land Use Map.

Due to these reasons, staff is supportive of the conversion of some of the approved office square footage to multi-family dwelling units.

However, because this is a vital office/commercial corridor for Seminole County, staff believes that there should be limits to the number of acres approved for multi-family residential use until such time as staff has completed its analysis of residential absorption and economic sustainability; therefore staff is recommending that if the project is approved the following should be a condition of approval: That it be stated in the Second Amendment to the Third Amended and Restated Commitments, Classification, and District Description Heathrow International Business Center Planned Unit Development that any additional residential units added in the future (up to a maximum of 1400 using the conversion matrix) shall be restricted to Tracts "C-1", "D", "O", and "P". These are the tracts that are already approved for multi-family use at this time in the PUD, or are proposed to be converted to multi-family use as a part of this amendment. This will allow developers in the future to build additional multi-family units by increasing densities on tracts previously approved for multi-family, while at the same time ensuring that adequate office tracts and square footage are maintained.

**SCHOOL IMPACTS:** The proposed project will be served by the Northwest Cluster for elementary schools (Wilson, Bentley, Idyllwilde, and Wicklow), Sanford and Millennium Middle Schools and Seminole High School. The Seminole County School Board has stated that the proposed amendment to allow the future conversion of office space to 1400 residential units has the potential to allow an additional 819 residential units, which will generate an estimated 185 public school students, and they are opposed to the proposed amendment to the PUD. A statement from Dianne Kramer of the Seminole County School System is attached. The applicant has stated that this number is incorrect since at this time they are only looking to increase the number of residential units to 455. This rebuttal from the applicant is also attached. This project is also a Development of Regional Impact (DRI) Notice of Proposed Change (NOPC). Although the Planning and Zoning Commission does not take action on DRI NOPCs, the Board should be aware that the Department of Community Affairs (DCA) and the East Central Florida Regional Planning Council (ECFRPC) have objected to the proposed amendment on behalf of the School Board, and they are recommending that the applicant obtain a letter of approval from the Seminole County School Board. At the time of the writing of this report, we have not received any additional information from the applicant relating to the school capacity issues. Staff is therefore recommending continuance of this item, in order to give staff and the applicant time to address the school capacity issue. Copies of the objection letters from DCA and ECFRPC are attached.

**ECONOMIC IMPACTS:** On June 8, 2004 the Board of County Commissioners approved the update to the Economic Element of the Vision 2020 Comprehensive Plan. Based upon this action, staff has begun reviewing land use amendments for compliance with the updated Economic Element. This application is specifically affected by Policy ECM 3.1, which directs us to shift the tax base burden away from residential to non-residential uses. The Planning Division has contracted with a consultant to provide an analysis of the long-term fiscal impacts of converting office and HIP land uses to residential. The results of this analysis will not be available for a few months.

Therefore, staff is recommending continuance of this item, in order to give the consultant time to complete the analysis.

**STAFF RECOMMENDATION:**

Staff recommends CONTINUANCE of this item until such time that the applicant can address the economic, school and potable water capacity issues; however, should the Board choose to recommend approval of the major amendment to the Heathrow International Business Center PUD, staff recommends that it be subject to the attached Second Amendment to the Third Amended and Restated Commitments, Classification, and District Description for the Heathrow International Business Center Planned Unit Development, with the following conditions:

1. That the future conversion of any office square footage to residential units shall be subject to the already existing conversion matrix based on peak hour traffic, which is part of the DRI Development Order, and an additional conversion matrix based on potable water consumption, which shall be reviewed and approved by the Board of County Commissioners;
2. That any additional residential units added in the future (up to a maximum of 1400 using the conversion matrix) shall be restricted to Tracts "C-1", "D", "O", and "P"; and
3. That any approval of additional units above the 313 already approved shall be subject to concurrency testing to ensure adequate service capacities.



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH  
Governor

THADDEUS L. COHEN, AIA  
Secretary

June 25, 2004

The Honorable Daryl G. McLain, Chairman  
Seminole County  
Board of County Commissioners  
1101 E. First Street  
Sanford, FL 32771

Re: Notice of Proposed Change #12 for Heathrow International Business Center Development of  
Regional Impact: (ADA-0688-013)

Dear Chairman McLain:

The Department received the Notice of Proposed Change for the Heathrow International Business Center Development of Regional Impact on May 6, 2004, as well as the Amended Notice of Proposed Change on June 16, 2004. Based on the review and recommendation of the East Central Florida Regional Planning Council, the Department objects to the proposal. The Department requests that the Applicant coordinate with the ECFRPC and reviewing agencies to address all of the issues that are listed in the enclosed letters (see attached). If additional information is provided to adequately address the objection, the Department will reconsider its position.

If you have any questions or comments regarding this matter, please call Jana Williams, Planner, at (850) 922-1827.

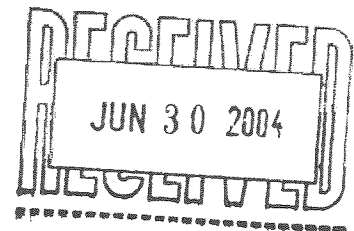
Sincerely Yours,

Charles Gauthier, AICP  
Chief of Comprehensive Planning

CG/jw

Enclosures: East Central Florida Regional Planning Council draft letter  
Florida Department of Transportation letter  
St. Johns Water Management District letter

cc: Fred Milch, East Central Florida Regional Planning Council  
Meredith H. Pickens, Shutts & Bowen, L.L.P.



2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956

REGIONAL  
PLANNING  
COUNCIL

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JUN 28 2004

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Wellton G. Cadwell  
Commissioner  
Lake County

June 25, 2004

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Jon B. Rawlson  
Governor's Appointee  
Orange County  
Mr. Matt West  
Seminole County Planning  
101 E. First Street  
Sanford, FL 32771

Secretary/Treasurer  
Michael S. Blake  
Commissioner  
In-County League  
of Cities  
Winter Springs  
Mr. John Omana  
City of Lake Mary  
Post Office box 950700  
Lake Mary, FL 32795-0700

Executive Director  
Andrea S. Glenn

RE: Heathrow International Business Center DRI Notification of a Proposed  
Change (NOPC) to Change Name and Increase Residential Units  
(ECFRPC # 5349)

Dear Mr. West and Mr. Omana:

Serving  
Brevard, Lake, Orange,  
Osceola, Seminole and  
Volusia counties.

631 N. Wymore  
Suite 100  
Maitland, Florida  
32751

We have reviewed the referenced NOPC and it is our understanding that the change is to increase residential units from 581 to 1,036 units with the ability to increase this to a total of 1,400 units without submitting an NOPC. Office square footage would decrease from 2,984,000 to 2,759,000 square feet to offset the impacts from the additional residential units. Any future increase in residential units up to the 1,400 units would also be offset by decreases in other approved square footage. The applicant also proposed to change the name from Heathrow International Business Center to Colonial Center Heathrow.

We offer the following comments regarding these proposed changes.

Phone  
407.623.1075  
Fax 407.623.1084

- A. The name change is not a substantial deviation pursuant to section 380.06(19) (e) 2.a., F.S.
- B. The simultaneous increase in multi-family and decrease in office space is addressed in section 380.06(19) (e) 5.c., F.S. This type of change is presumed to create additional regional impacts, but may be rebutted by clear and convincing evidence. The proposed development program is as follows:

Suncorn 334.1075  
Suncorn Fax  
334.1084

Website:  
[www.ecfrpc.org](http://www.ecfrpc.org)



Mr. Matt West  
Mr. John Omana  
June 25, 2004  
Page Two

Land Use	Lake Mary	Seminole County	Total Project
Office sq. ft.	1,804,750	1,179,250	2,984,000
	<u>1,669,750</u>	<u>1,089,250</u>	<u>2,759,000</u>
College/Univeristy	0	860 students	860 students
Retail sq. ft.	90,000	0	90,000
Hotel rooms	304	0	304
Day Care sq. ft.	0	24,000	24,000
Multi-family units	<u>155</u> 0	<u>881</u> 584	<u>1,036</u> * 584

\* The applicant also wants the ability to convert approved office to multi-family for a total maximum of 1,400 units by decreasing approved square footages without an NOPC.

In order to rebut the presumption that this change will create additional regional impacts, the Applicant has presented the following information:

1. A traffic study was presented that indicated the directional peak hour external trips would not increase. Therefore, the presumption of additional regional traffic impacts was adequately rebutted.
2. Information regarding the increase in water and wastewater usage was presented. The St. Johns River Water Management District has provided the attached letter identifying their concerns. They have been in discussions with the Applicant regarding more stringent Development Order language that would increase the commitment to reduce potable water use. This would be accomplished through the use of reclaimed water and the use of native vegetation.
3. School facilities have not been adequately addressed. The Seminole County School Board representative has indicated that the impact fee total of \$290,745 will not adequately address the impact of additional students from the proposed multi-family units and requested that the Applicant pay 125% of the impact fee to address increased costs. The applicant has not agreed to this.

As a result of inadequate rebuttal of water and school resources, we recommend approval of this change with the following provisions:

1. The Applicant must address school issues to the satisfaction of the school board. The Development Order must specify that a letter of approval be obtained from the Seminole County School Board stating that the Applicant has addressed their concerns regarding the additional impacts to the schools that will service the students from the project.

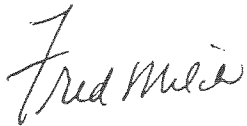
Mr. Matt West  
Mr. John Omana  
June 25, 2004  
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2. The Applicant must address water conservation to the satisfaction of the St. Johns River Water Management District. The Development Order must contain conditions approved by the District relating to reclaimed water and stringent Xeriscaping.

Consequently, it is our opinion that these proposed changes do not adequately address regional impacts. If school and potable water impacts are addressed as recommended above, then we would have no objections to this proposed change and the project would not result in a substantial deviation determination pursuant to the threshold criteria of section 380.06(19), Florida Statutes. We therefore recommend that the changes be approved with as stipulated and that that this proposal not be submitted for additional regional review by this agency. Otherwise, the project should be reviewed as a substantial deviation.

If you have any questions, please give me or Fred Milch a call at 623-1075, extension 315.

Sincerely,



*for* Sandra Glenn  
Executive Director

c: Brett Blackadar, Seminole County Public Works  
Marina Pennington, DCA  
Peter Brown, SJRWMD  
Beth Potter, FDOT  
Meredith Pickens, Shutts & Bowen  
Chris Walsh, Kimley-Horn  
Tony Mathews, Seminole County Planning Division  
Charles McGehee, Colonial Realty

**Environmental Services  
Department**

# Memo

**TO:** Matt West, Planning Manager

**FROM:** Robert G. Adolphe, P.E., Environmental Services Director *RGA*

**DATE:** September 17, 2004

**RE:** Heathrow International Business Center PUD Major Amendment

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Seminole County Environmental Services Department has been in receipt of a series of letters regarding the above project, and we wish to provide comments on the most recent letter from the Developer's consultant, Boyer-Singleton, dated July 26, 2004.

This letter states "It is our understanding that under the current Consumptive Use Permit, Seminole County can adequately serve the proposed increase of 114,000 gpd of potable water usage." Neither Bowyer-Singleton staff nor their client, Shutts and Bowen has consulted either formally or informally with us. This absence of consultation has occurred while the Seminole County Planning Department staff has stated clearly that water concurrency will be a primary consideration for this development because of the increased demand.

The letter recommends that the project be connected to reclaimed water. We understand that the project is already required to connect to reclaimed water under Seminole County Land Development Code (LDC) Sec 30.1234 and 30.1231(e). The letter states that, with the use of reclaimed water, the potable water use per unit will be below 300 gpd/unit. Capacity factors for multi-family developments do not include reclaimed water. So while this statement may be realistically true, the capacity calculations will remain the same regardless of the source of irrigation water.

Consumptive Use Permit potable water allocations from SJRWMD are structured with yearly incremental increases in many cases. These increases utilize current Future Land Use profiles and population projections with anticipated water demand from indoor and outdoor use taking into account per-capita consumption and irrigable area demand.

Any increases in water demand will necessarily effect the water allotments in the current permit. It is the recommendation of the Environmental Services Department that any

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increases in the potable water demand for future projects be mitigated or offset through some means, either on the subject property site, or by incorporating alternative water projects into existing properties, offsetting potable water on a one for one basis.

We are very interested in working with the developer on options to mitigate for the increased demand that this PUD Amendment will generate. We appreciate the opportunity to provide comments. If you have any questions, please contact Liz Block (2121) or myself (2010).

Thank you.

C: Sally Sherman, Deputy County Manager  
Don Fisher, Deputy County Manager  
Dennis Westrick, P.E., PEI Manager  
Liz Block, Water Conservation Coordinator



SEMINOLE COUNTY  
PUBLIC SCHOOLS

BILL VOGEL, Ed.D.  
*Superintendent*

Educational Support Center  
1000 E. Lake Mary Boulevard  
Sanford, Florida 32773-7127  
Phone: (407) 320-0004  
Fax: (407) 320-0281  
Suncom: 351-0004

**SCHOOL BOARD**  
SANDY ROBINSON  
*Chairman*

DEDE SCHAFFNER  
*Vice Chairman*

DIANE BAUER  
*Board Member*

LARRY FURLONG  
*Board Member*

JEANNE MORRIS  
*Board Member*

ITEM # 41

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AUG 25 2004

SEMINOLE COUNTY  
COUNTY MANAGER

August 23, 2004

Mr. Kevin Grace  
County Manager  
1101 East First Street  
Sanford, Florida 32771-1468

Dear Kevin,

On August 10, 2004, the School Board voted to oppose the Florence Arbor Townhouse and Condominium Project as well as land use changes that convert non-residential properties to residential properties until the School Board, county, and cities have an opportunity to discuss future growth and the impact of those changes on the county and the school district.

The School Board asked that we discuss the possibility of a joint meeting, but after our conversation it would be difficult to schedule such a meeting before September 14, 2004, which is when your Board is rehearsing the Florence Arbor Project. It is my understanding that your staff has recommended that all proposed land use changes be continued until the spring.

Therefore, my thoughts would be to proceed as we discussed at the August Mayors and Managers meeting to convene the Planning Technical Advisory Committee to address these matters over the next few months with a joint meeting to follow.

Please contact me if you have any questions.

Sincerely,

*Bill Vogel*  
Bill Vogel  
Superintendent

Cc: Board Members  
Dianne Kramer



Tony Matthews

05/27/2004 12:14 PM

To: Tina Deater/Seminole@Seminole

cc:

Subject: Fw: Proposed Change to Heathrow International Business Center DRI

FYI.

Tony Matthews  
Planning Division  
1101 East First Street  
Sanford, FL 32771  
407-665-7371

----- Forwarded by Tony Matthews/Seminole on 05/27/2004 12:19 PM -----



"Fred Milch"  
<fmilch@ecfrpc.org>

05/27/2004 08:56 AM

To: "Meredith H. Pickens" <mharper@shutts-law.com>

cc: "Tony Matthews" <TMatthews@co.seminole.fl.us>, "Sandra Glenn"  
<Sglenn@ecfrpc.org>, "John Omana" <jomana@lakemaryfl.com>

Subject: FW: Proposed Change to Heathrow International Business Center DRI

Good Morning, Meredith,  
Again, I am forwarding this so you may begin your response, but please,  
as with the SJRWMD letter I forwarded earlier, save your responses for  
the formal submittal of additional information. Please feel free to  
contact Dianne Kramer, however, if you seek clarification or discussion.  
Thanks, Fred.

Fred Milch, AICP  
East Central Florida Regional Planning Council  
631 N. Wymore Road, Suite 100  
Maitland, FL 32751-4246  
407/623-1075  
407/623-1084 (fax)  
fmilch@ecfrpc.org

We abuse land because we regard it as a commodity belonging to us. When  
we see land as a community to which we belong, we may begin to use it  
with love and respect.  
Aldo Leopold, 1948

-----Original Message-----

From: Dianne\_Kramer@scps.k12.fl.us [mailto:Dianne\_Kramer@scps.k12.fl.us]

Sent: Wednesday, May 26, 2004 4:04 PM

To: sglenn@ecfrpc.org

Cc: Board-Members\_DL/scps\_esc@mail.scps.k12.fl.us; fmilch@ecfrpc.org

Subject: Proposed Change to Heathrow International Business Center DRI

Thank you for the opportunity to review the proposed change to the  
Heathrow International Business Center Development of Regional Impact. I  
understand from the application that approval of the requested change  
could result in an additional 819 multi-family residential units in  
Seminole County and the City of Lake Mary. This change in land use would  
generate at least 185 public school students that are not currently  
anticipated. In planning for school capacity in this area, Seminole  
County Public Schools had anticipated the previously approved office  
land uses, so there is no classroom capacity to accommodate the  
additional enrollment. The following schools currently serve this  
geographical area:

Elementary Northwest Cluster (choice of Wilson, Bentley,  
Idyllwilde, and Wicklow)

Middle Sanford and Millennium Middle Schools  
High Seminole High

To illustrate the deficit of classroom space in these schools, please note that there are 36 portables on the elementary campuses, 24 portables at the two middle schools, and 18 portables on the high school campus. A classroom addition is currently under construction at Seminole High School and Early Learning Center additions at Wilson and Bentley Elementary schools will open in August 2005. A new middle school next to Heathrow Elementary will open in August 2006, but it will need to provide relief for other middle schools in the area also. In short, even with the planned capacity additions, there is still a deficit in classroom space.

The additional 819 units would generate only \$523,341 in impact fees, based on the current rate structure. If the district purchased classroom space to house the anticipated number of students associated with this development, it would cost a minimum of \$700,000.

On behalf of Seminole County Public Schools, I would recommend denial of this proposed change. If it is approved, however, some provision should be made to off-set the school system impacts. If 125% of the impact fees were paid at the time of approval, the district could have funds in a timely manner to address the capacity impacts of this development. Please feel free to contact me if you need additional information. Thank you.

Dianne L. Kramer, Deputy Supt./Operations  
Seminole County Public Schools  
407.320.0060 direct line  
407.320.0292 FAX

<mailto:dianne\_kramer@scps.k12.fl.us>



Matt West/Seminole  
06/09/2004 12:39 PM

To Jeffrey Hopper/Seminole@Seminole, Tina  
Deater/Seminole@Seminole  
cc  
bcc  
Subject Fw: Proposed Change to HIBC DRI

----- Forwarded by Matt West/Seminole on 06/09/2004 12:44 PM -----



"Meredith H. Pickens"  
<Mharper-Pickens@shu  
tts-law.com>

06/09/2004 10:38 AM

To: dianne\_kramer@scps.k12.fl.us  
cc: fmlch@ecfrpc.org, Sglenn@ecfrpc.org, gschindler@lakemaryfl.com,  
jomana@lakemaryfl.com, MWest@seminolecountyfl.gov  
Subject: Proposed Change to HIBC DRI

Hi Dianne. Thank you for your response to our Notice of Proposed Change to the HIBC (Colonial Center Heathrow) DRI in the City of Lake Mary and Seminole County, Florida.

Your analysis of school capacity seems to be based on a proposed increase in 819 multi-family residential units. In actuality, we are proposing to add 455 multi-family units - 155 townhomes in the City's jurisdiction, and up to 300 apartments in the County's jurisdiction. In exchange for this increase, we have proposed a decrease in approved office space of 225,000 square feet.

Instead of the 185 projected new public school students, the revised project will likely generate less than 102 new public school students. Based on these numbers, we would like the School Board to estimate whether the new facilities and improvements to existing schools are likely to accommodate these projected students. The estimated impact fees would total \$290,745 for 455 new residential units, and the Applicant feels that these fees should be sufficient to offset any of its impacts. The Applicant is not in favor of paying 125% of the listed impact fees since that is not a legal requirement.

Please give me a call if you have any questions or require additional information. Thanks.

"MMS <shutts-law.com>" made the following annotations.

-----  
The information in this email transmission is privileged and confidential. If you are not the intended recipient, nor the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this transmission (including any attachments) is strictly prohibited. If you have received this email in error, please notify the sender by email reply. Thank you.  
=====



Matt West/Seminole  
06/09/2004 02:13 PM

To: Jeffrey Hopper/Seminole@Seminole, Tina  
Deater/Seminole@Seminole  
cc  
bcc  
Subject: Fw: Proposed Change to HIBC DRI

----- Forwarded by Matt West/Seminole on 06/09/2004 02:17 PM -----



Dianne\_Kramer@scps .  
k12.fl.us  
06/09/2004 02:00 PM

To: Mharper-Pickens@shutts-law.com  
cc: Board-Members\_DL/scps\_esc@mail.scps.k12.fl.us, fmlch@ecfrpc.org,  
gschindler@lakemaryfl.com, jomana@lakemaryfl.com,  
MWest@seminolecountyfl.gov, Sglenn@ecfrpc.org  
Subject: RE: Proposed Change to HIBC DRI

Thank you for your response. My recollection of the application indicated that there was a maximum allowable number of units and then an indication of the number of units that you intend to construct. Whichever figure that you choose to use, there is still an increase in residential units and an increase in student enrollment. Understanding that both the county and the city have many factors to consider regarding this request, there is still a significant impact on the school system. Seminole County Public Schools is currently spending more than \$1 million to provide portable classrooms to house a growing enrollment. The current financially feasible 10 year capital plan cannot address all of the capital improvement needs -- there are over \$50 million of un-funded needs and the projects included in the 10 year plan are not just future needs; they are immediate needs. The increasing conversion of office/commercial land to residential use has not been part of our future planning process. While I appreciate the fact that you consider the impact fee payment of \$290,745 to be sufficient, it does not cover the cost to house the students that will be generated by your development. That is clear in the fee calculation and is certainly evident in the fee structure of our surrounding counties.

Seminole County Public Schools has reviewed this change and expressed our concerns, but it is a local government decision. We would hope that developers and local governments would choose to work with us to help maintain our quality school system. Thank you.

-----Original Message-----

**From:** Mharper-Pickens [mailto:Mharper-Pickens@shutts-law.com]  
**Sent:** Wednesday, June 09, 2004 10:38 AM  
**To:** Dianne Kramer  
**Cc:** fmlch; Sglenn; gschindler; jomana; MWest  
**Subject:** Proposed Change to HIBC DRI

Hi Dianne. Thank you for your response to our Notice of Proposed Change to the HIBC (Colonial Center Heathrow) DRI in the City of Lake Mary and Seminole County, Florida.

Your analysis of school capacity seems to be based on a proposed increase in 819 multi-family residential units. In actuality, we are proposing to add 455 multi-family units - 155 townhomes in the City's jurisdiction, and up to 300 apartments in the County's jurisdiction. In exchange for this increase, we have proposed a decrease in approved office space of 225,000 square feet.

Instead of the 185 projected new public school students, the revised project will likely generate less than 102 new public school students. Based on these numbers, we would like the School Board to estimate whether the new facilities and improvements to existing schools are likely to accommodate these projected students. The estimated impact fees would total \$290,745 for 455 new residential units, and the Applicant feels that these fees should be sufficient to offset any of

its impacts. The Applicant is not in favor of paying 125% of the listed impact fees since that is not a legal requirement.

Please give me a call if you have any questions or require additional information. Thanks.

"MMS <shutts-law.com>" made the following annotations.

-----  
The information in this email transmission is privileged and confidential. If you are not the intended recipient, nor the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this transmission (including any attachments) is strictly prohibited. If you have received this email in error, please notify the sender by email reply. Thank you.

=====



AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE PUD ZONING CLASSIFICATION THE PUD ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "Heathrow International Business Center PUD Major Amendment."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from PUD to PUD in accordance with the contents of the documents titled, "Heathrow International Business Center PUD Major Amendment Staff Report" and the Second Amendment to the Third Amended and Restated Commitments, Classification, and District Description Heathrow International Business Center Planned Unit Development:

**SEE ATTACHED EXHIBIT A**

**ORDINANCE NO. 2004-**

**SEMINOLE COUNTY, FLORIDA**

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon the date of filing with the Department and recording of the Second Amendment to the Third Amended and Restated Commitments, Classification, and District Description Heathrow International Business Center Planned Unit Development in the Official Land Records of Seminole County.

ENACTED this 26th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

**EXHIBIT A  
LEGAL DESCRIPTION**

**HEATHROW INTERNATIONAL BUSINESS CENTER PUD**

**LEGAL DESCRIPTION  
SEMINOLE COUNTY PORTION ONLY**

A portion of Section 7, Township 20 South, Range 30 East, and Section 12, Township 20 South, Range 29 East, Seminole County, Florida, being more particularly described as follows:

Commence at the West  $\frac{1}{4}$  corner of Section 7, Township 20 South, Range 30 East, Seminole County, Florida and run North  $00^{\circ}21'05''$  West along the West line of the Northwest  $\frac{1}{4}$  of said Section 7 for a distance of 0.50 feet to the POINT OF BEGINNING; thence run North  $89^{\circ}46'28''$  East, 459.09 feet to the Westerly right of way line of Interstate No. 4 (State Road No. 400); thence run South  $17^{\circ}35'11''$  West along said right of way line for a distance of 429.25 feet; thence South  $21^{\circ}35'11''$  West, 627.08 feet to the Point of Curvature of a curve concave Northwesterly and having a radius of 1055.92 feet; thence run Southwesterly along the arc of said curve through a central angle of  $39^{\circ}25'29''$  for a distance of 726.57 feet to the point of tangency; thence South  $61^{\circ}00'40''$  West, 495.72 feet to the point of curvature of a curve concave Southeasterly having a radius of 475.00 feet; thence Southwesterly along the arc of said curve through a central angle of  $26^{\circ}00'21''$  for 215.60 feet to a point lying on a curve concave Westerly having a tangent bearing of North  $11^{\circ}00'13''$  West and a radius of 1379.58 feet; thence Northerly along the arc of said curve through a central angle of  $00^{\circ}24'05''$  for 9.67 feet to the point of tangency; thence North  $11^{\circ}24'18''$  West, 454.11 feet to a point of curvature of a curve concave Southeasterly and having a radius of 1041.19 feet; thence run Northeasterly along the arc of said curve through a central angle of  $60^{\circ}00'00''$  for a distance of 1090.33 feet to a point of compound curvature of a curve concave Southeasterly and having a radius of 3445.17 feet; thence continue Northeasterly along the arc of said curve through a central angle of  $11^{\circ}21'53''$  for a distance of 683.36 feet to the point of tangency; thence run North  $59^{\circ}57'35''$  East, 200.14 feet; thence run South  $00^{\circ}21'05''$  East, 21.80 feet to the POINT OF BEGINNING.

Contains: 36.88 Acres, more, or less.

NOTE: This description uses East line of transportation corridor as its West boundary.

TOGETHER WITH:

A tract of land being a portion of Section 1 and 12, Township 20 South, Range 29 East and Sections 6 and 7, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 6; thence North  $00^{\circ}04'17''$  West along the West line of Section 6 for a distance of 73.27 feet to the POINT OF BEGINNING; thence South  $42^{\circ}30'27''$  West, 149.49 feet; thence North  $41^{\circ}18'38''$  West,

516.64 feet; thence South 48°41'20" West, 200.00 feet; thence South 78°55'17" West, 728.58 feet; thence North 04°15'32" West, 471.30 feet; thence North 48°16'27" West, 888.59 feet; thence South 89°58'52" East, 205.00 feet; thence North 00°19'51" East, 350.00 feet; thence South 89°58'52" East along the North line of the South ½ of Government Lot 2 of Section 1, Township 20 South, Range 29 East, for a distance of 897.54 feet; thence North 00°03'45" East along the West line of the Northeast ¼ of said Government Lot 2 for a distance of 164.00 feet; thence South 89°58'52" East, 898.77 feet; thence South 00°04'17" East along the West line of the Southwest ¼ of Section 6, Township 20 South, Range 30 East for 331.59 feet; thence South 89°57'02" East along the South line of the North ½ of the Southwest ¼ of said Section 6 for a distance of 1850.51 feet; thence South 24°07'41" West along the West right of way of Interstate #4 (State Road #400) for a distance of 282.51 feet to the point of curvature of a curve concave Southeasterly having a radius of 11,459.20 feet; thence run Southerly along the arc of said curve through a central angle of 06°32'30" for a distance of 1308.34 feet to the point of tangency; thence South 17°35'11" West, 70.00 feet; thence departing said right of way run North 72°24'49" West, 400.00 feet to the point of curvature of a curve concave Northeasterly having a radius of 1800.00 feet; thence Northwesterly along the arc of said curve through a central angle of 24°55'11" for a distance of 782.88 feet; thence South 42°30'27" West, 285.78 feet to the POINT OF BEGINNING.

Contains: 100.12 Acres, more or less.

AND

A tract of land being a portion of Section 6, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 6; thence North 00°04'17" West along the West line of Section 6 for 1646.86 feet; thence South 89°58'52" East, 33.00 feet; thence North 00°04'17" West along the East right of way of Banana Lake Road along a line 33.00 feet East of and parallel to the West line of the Southwest ¼ of Section 6 for a distance of 978.82 feet; thence North 00°04'43" West along a line 33.00 feet East of and parallel to the West line of the Northwest ¼ of Section 6 for 1281.20 feet; thence North 89°53'25" East along the occupied North line of the South 1281.20 feet of Government Lot 4 for a distance of 197.00 feet to the POINT OF BEGINNING; thence along the boundaries of that tract described in Official Records Book 1555, Page 675 Public Records of Seminole County, Florida, North 00°04'43" West, 757.82 feet; thence North 89°30'12" West along the South line of Lot 2, Mullins Subdivision, per plat thereof as recorded in Plat Book 23, Page 41, Public Records of Seminole County, Florida, for a distance of 205.00 feet; thence North 00°04'43" West along the East right of way of Banana Lake Road for 482.93 feet; thence South 89°35'54" East along the North line of Lot 3 of the aforescribed subdivision for 205.00 feet; thence North 00°04'43" West, 222.16 feet to a point 4.77 chains South of the North line of the Northwest ¼ of Section 6; thence South 89°44'51" East 119.92 feet to Church Lake; thence along the Westerly shore north 31°12'15" West, 33.42 feet; thence North 04°01'55" West, 50.00 feet; thence North 01°29'07" West, 50.00 feet; thence North 06°56'29" East, 49.06 feet; thence North 00°04'43" West, 112.75 feet; thence South 89°44'51" East along a line 25.00 feet south of and parallel to the North line of Section 6 and along the south right of way of State Road #46A for a distance of 414.64 feet;

thence South 00°06'26" West, 15.00 feet; thence South 89°44'51" East along a line 40.00 feet South of and parallel to the said North line of Section 6 and along the South right of way line of State Road #46A for a distance of 745.00 feet; thence South 00°06'26" West along the West right of way line of the Seaboard Coastline Railroad (presently abandoned) for 1730.09 feet thence South 89°53'25" West along the occupied North line of the South 1281.20 feet of Government Lot 4 for a distance of 1257.93 feet to the POINT OF BEGINNING.

Contains: 51.957 Acres, more or less and being subject to any easements, restrictions and right of way record.



**SECOND AMENDMENT TO THE  
THIRD AMENDED AND RESTATED COMMITMENTS,  
CLASSIFICATION AND DISTRICT DESCRIPTION  
COLONIAL CENTER HEATHROW  
PLANNED UNIT DEVELOPMENT  
(SEMINOLE COUNTY)**

On May 8, 2001, the Board of County Commissioners adopted the Third Amended and Restated Commitments, Classification and District Description for the Heathrow International Business Center PUD ("PUD") recorded at Official Records Book 4091, Page 0145 (legal description of which is attached hereto as Exhibit "A").

Colonial Realty Limited Partnership, a Delaware limited partnership as the Master Developer and Heathrow 4 LLC and Heathrow 6 LLC as the owners and Site Developers of Tracts "D", "O" and "P" (as designated on the Master Plan) hereby seek to develop a 300 unit apartment complex on a portion of Tracts "O" and "P", comprising approximately 15 acres and a 155 unit townhouse development on Tract "D". Tract "D" is located in the City of Lake Mary and Tracts "O" and "P" are located in Seminole County. In order to pursue this development, the Master Developer and Site Developers have applied to Seminole County and the City of Lake Mary to amend the PUD to allow for: (i) the name of the PUD to be changed to Colonial Center Heathrow, (ii) decreasing the office square footage by 225,000 square feet within the PUD while simultaneously increasing the total number of multi-family units to 768, with the ability to use the existing conversion matrix set forth in the Second Amendment to Third Amended and Restated Development Order for the Heathrow International Business Center Development of Regional Impact to achieve a maximum of 1400 multi-family units in the future (iii) a change in the use designation for Tracts "D" and "O" from office to multi-family, (iv) a change of land use designation for Tract "P" from office to office and multi-family and (v) a change to the PUD Final Master Plan, as reflected in attached Exhibit "B" to reflect these changes.

Seminole County and the City of Lake Mary agree to these requested changes.

Therefore, the PUD is hereby amended as follows:

1. The name of the PUD is hereby changed to Colonial Center Heathrow.
2. Tables III-1 and III-2 of the PUD are hereby deleted in their entirety and in place thereof shall be inserted the following:

### III. LAND USE TABLE

Table III-1

#### Colonial Center Heathrow Land Use Data

#### Total PUD Development Program

<u>Land Use Classification</u>	<u>Acres</u>	<u>Sq. Feet</u>	<u>Units</u>	<u>Rooms</u>	<u>Students</u>
Office <sup>1</sup>	145.5	2,759,000			
College/ University					860 <sup>2</sup>
Retail/ Commercial	46.7	90,000			
Hotel				304	
Day Care	1.8	24,000			
Multi-family	60.8		768		
Parks:					
Urban Park	9.1				
Linear Park	7.0				
Open Space/ Retention/Lakes	84.6 <sup>3</sup>				
Right-of-Way	51.6				
<b>TOTAL</b>	<b>407.1</b>	<b>2,873,000</b>	<b>768</b>	<b>304</b>	<b>860</b>

<sup>1</sup> Office use includes Support Retail/Commercial uses and Campus Office uses. 14,000 square feet of office is allotted to the parcel owned by SCC

<sup>2</sup> Trip generation potential for 860 students is equivalent to that which would be generated by approximately an 80,000 square foot educational facility

<sup>3</sup> Includes lift station easement on Tract B

Table III-2

**COLONIAL CENTER HEATHROW  
LAND USE DATA**

**Seminole County PUD Development Program**

<b><u>Land Use Classification</u></b>	<b><u>Acres</u></b>	<b><u>Sq. Feet</u></b>	<b><u>Units</u></b>	<b><u>Students</u></b>
Office	75.0	1,089,250 <sup>4</sup>		
College/ University				860 <sup>5</sup>
Day Care	1.8	24,000		
Multi-family	43.5		613	
Linear Park	1.9			
Open Space/ Retention/Lakes	57.0 <sup>6</sup>			
Right-of-Way	9.6			
<b>TOTAL</b>	<b>188.8</b>	<b>1,113,250</b>	<b>613</b>	<b>860</b>

3. The Master Plan is hereby revised as set forth in Exhibit "B".
4. Any additional residential units added in the future (up to a maximum of 1400 using the conversion matrix) shall be restricted to Tracts "C-1", "D", "O", and "P".
5. The addition of any residential units in the future, above the 313 already approved, is subject to concurrency testing to ensure adequate service capacity.
6. Except as expressly amended herein, the PUD shall continue in full force and effect in accordance with the terms set forth herein

**DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.**

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain, Chairman

<sup>4</sup> Office use includes Support Retail/Commercial uses and Campus Office Use. 14,000 square feet of office is allotted to the parcel owned by SCC.

<sup>5</sup> Trip generation potential for 860 students is equivalent to that which would be generated by approximately an 80,000 square foot educational facility

<sup>6</sup> Includes lift station easement on Tract B.

"MASTER DEVELOPER"

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_

Print Name

\_\_\_\_\_

Print Name

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

COLONIAL REALTY LIMITED PARTNERSHIP,  
a Delaware limited partnership

By Its General Partner: Colonial Properties Trust  
an Alabama declaration of trust

By: \_\_\_\_\_  
Charles A. McGehee  
Executive Vice President

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2004, by Charles A. McGehee, as Executive Vice President of Colonial  
Properties Trust, the general partner of Colonial Realty Limited Partnership, on behalf of said partnership.  
He is personally known to me or has produced \_\_\_\_\_ as identification.

NOTARY STAMP/SEAL

NOTARY PUBLIC

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

ACKNOWLEDGMENT AND CONSENT OF SITE DEVELOPER

The undersigned Site Developer agrees to and accepts all terms and conditions of this Amendment as they apply to the development of Tracts "D", "O" and "P".

Signed, sealed and delivered  
in the presence of:

HEATHROW 6 LLC,  
a Delaware limited liability company

\_\_\_\_\_  
\_\_\_\_\_  
Print Name

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Print Name

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by \_\_\_\_\_, as the \_\_\_\_\_ of Heathrow 6 LLC, a Delaware limited liability company, on behalf of said company. \_\_\_\_\_ is personally known to me or has produced \_\_\_\_\_ as identification and did not take an oath.

NOTARY STAMP/SEAL

NOTARY PUBLIC

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

ACKNOWLEDGMENT AND CONSENT OF SITE DEVELOPER

The undersigned Site Developer agrees to and accepts all terms and conditions of this Amendment as they apply to the development of Tracts "D", "O" and "P".

Signed, sealed and delivered  
in the presence of:

HEATHROW 4 LLC,  
a Delaware limited liability company

\_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_

Print Name

\_\_\_\_\_

Print Name

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by \_\_\_\_\_, as the \_\_\_\_\_ of Heathrow 4 LLC, a Delaware limited liability company, on behalf of said company. \_\_\_\_\_ is personally known to me or has produced \_\_\_\_\_ as identification and did not take an oath.

NOTARY STAMP/SEAL

NOTARY PUBLIC

\_\_\_\_\_  
Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**EXHIBIT "A"**

**HEATHROW INTERNATIONAL BUSINESS CENTER PUD**

**LEGAL DESCRIPTION ENTIRE PUD (CITY AND COUNTY)**

A tract of land being a portion of Section 6, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 6; thence North 00° 04' 17" West, 1322.26 feet; thence South 89° 57' 02" East along the South line of the North 1/2 of the Southwest 1/4 of Section 6 for a distance of 33.00 feet to the POINT OF BEGINNING; thence North 00° 04' 17" West along the East right of way of Banana Lake Road and a line 33 feet East of and parallel to the West line of the Southwest 1/4 of Section 6 for a distance of 1303.44 feet; thence North 00° 04' 43" West along said right of way and along a line 33 feet East of and parallel to the West line of the Northwest 1/4 of Section 6 for a distance of 1281.20 feet; thence North 89° 53' 25" East along the occupied North line of the South 1281.20 feet of Government Lot 4 for a distance of 1454.93 feet; thence North 00° 06' 26" East along the West right of way of the abandoned S.C.L. Railroad for a distance of 1745.09 feet; thence South 89° 44' 51" East along a line 25 feet South of and parallel to the North line of Section 6 and along the South right of way of State Road 46-A for a distance of 1474.55 feet; thence South 00° 15' 09" West, 25.00 feet; thence South 89° 44' 51" East, 440.00 feet; thence South 00° 15' 09" West, 20.00 feet, thence South 89° 44' 51" East, 364.98 feet; thence South 24° 07' 41" West along the West right of way of Interstate No. 4 (State Road #400) for a distance of 2877.13 feet; thence South 89° 53' 25" West along the North line of the South 10 acres of Government Lot 2 for a distance of 42.32 feet; thence South 00° 07' 40" East along the West line of Government Lot 2 for a distance of 93.94 feet; thence South 24° 07' 41" West along the aforesaid West right of way of Interstate No. 4 for a distance of 1708.48 feet; thence North 89° 57' 02" West along the South line of the North 1/2 of the Southwest 1/4 of Section 6 for a distance of 1817.51 feet to the POINT OF BEGINNING.

Contains: 218.26 Acres, more or less.

Together with:

A portion of Section 7, Township 20 South, Range 30 East, and Section 12, Township 20 South, Range 29 East, Seminole County, Florida, being more particularly described as follows:

Commence at the West 1/4 corner of Section 7, Township 20 South, Range 30 East, Seminole County, Florida and run North 00°21'05" West along the West line of the Northwest 1/4 of said Section 7 for a distance of 0.50

feet to the POINT OF BEGINNING; thence run North 89°46'28" East, 459.09 feet to the Westerly right of way line of Interstate No. 4 (State Road No. 400); thence run South 17°35'11" West along said right of way line for a distance of 429.25 feet; thence South 21°35'11" West, 637.08 feet to the Point of Curvature of a curve concave Northwesterly and having a radius of 1055.92 feet; thence run Southwesterly along the arc of said curve through a central angle of 39°25'29" for a distance of 726.57 feet to the point of tangency; thence South 61°00'40" West, 495.72 feet to the point of curvature of a curve concave Southeasterly having a radius of 475.00 feet; thence Southwesterly along the arc of said curve through a central angle of 26°00'21" for 215.60 feet to a point lying on a curve concave Westerly having a tangent bearing of North 11°00'13" West and a radius of 1379.58 feet; thence Northerly along the arc of said curve through a central angle of 00°24'05" for 9.67 feet to the point of tangency; thence North 11°24'18" West, 454.11 feet to a point of curvature of a curve concave Southeasterly and having a radius of 1041.19 feet; thence run Northeasterly along the arc of said curve through a central angle of 60°00'00" for a distance of 1090.33 feet to a point of compound curvature of a curve concave Southeasterly and having a radius of 3445.17 feet; thence continue Northeasterly along the arc of said curve through a central angle of 11°21'53" for a distance of 683.36 feet to the point of tangency; thence run North 59°57'35" East, 200.14 feet; thence run South 00°21'05" East, 21.80 feet to the POINT OF BEGINNING.

Contains: 36.88 Acres, more, or less.

NOTE: This description uses East line of transportation corridor as its West boundary.

TOGETHER WITH:

A tract of land being a portion of Section 1 and 12, Township 20 South, Range 29 East and Sections 6 and 7, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 6; thence North 00°04'17" West along the West line of Section 6 for a distance of 73.27 feet to the POINT OF BEGINNING; thence South 42°30'27" West, 149.49 feet; thence North 41°18'38" West, 516.64 feet; thence South 48°41'20" West, 200.00 feet; thence South 78°55'17" West, 728.58 feet; thence North 04°15'32" West, 471.30 feet; thence North 48°16'27" West, 888.59 feet; thence South 89°58'52" East, 205.00 feet; thence North 00°19'51" East, 350.00 feet; thence South 89°58'52" East along the North line of the South ½ of Government Lot 2 of Section 1, Township 20 South, Range 29 East, for a distance of 897.54 feet; thence North 00°03'45" East along the West line of the Northeast ¼ of said Government Lot 2 for a distance of 164.00 feet; thence South 89°58'52" East, 898.77



feet; thence South 00°04'17" East along the West line of the Southwest ¼ of Section 6, Township 20 South, Range 30 East for 331.59 feet; thence South 89°57'02" East along the South line of the North ½ of the Southwest ¼ of said Section 6 for a distance of 1850.51 feet; thence South 24°07'41" West along the West right of way of Interstate #4 (State Road #400) for a distance of 282.51 feet to the point of curvature of a curve concave Southeasterly having a radius of 11,459.20 feet; thence run Southerly along the arc of said curve through a central angle of 06°32'30" for a distance of 1308.34 feet to the point of tangency; thence South 17°35'11" West, 70.00 feet; thence departing said right of way run North 72°24'49" West, 400.00 feet to the point of curvature of a curve concave Northeasterly having a radius of 1800.00 feet; thence Northwesterly along the arc of said curve through a central angle of 24°55'11" for a distance of 782.88 feet; thence South 42°30'27" West, 285.78 feet to the POINT OF BEGINNING.

Contains: 100.12 Acres, more or less.

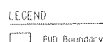
AND

A tract of land being a portion of Section 6, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 6; thence North 00°04'17" West along the West line of Section 6 for 1646.86 feet; thence South 39°58'52" East, 33.00 feet; thence North 00°04'17" West along the East right of way of Banana Lake Road along a line 33.00 feet East of and parallel to the West line of the Southwest ¼ of Section 6 for a distance of 978.82 feet; thence North 00°04'43" West along a line 33.00 feet East of and parallel to the West line of the Northwest ¼ of Section 6 for 1281.20 feet; thence North 89°53'25" East along the occupied North line of the South 1281.20 feet of Government Lot 4 for a distance of 197.00 feet to the POINT OF BEGINNING; thence along the boundaries of that tract described in Official Records Book 1555, Page 675 Public Records of Seminole County, Florida, North 00°04'43" West, 757.82 feet; thence North 89°30'12" West along the South line of Lot 2, Mullins Subdivision, per plat thereof as recorded in Plat Book 23, Page 41, Public Records of Seminole County, Florida, for a distance of 205.00 feet; thence North 00°04'43" West along the East right of way of Banana Lake Road for 482.93 feet; thence South 89°35'54" East along the North line of Lot 3 of the aforescribed subdivision for 205.00 feet; thence North 00°04'43" West, 222.16 feet to a point 4.77 chains South of the North line of the Northwest ¼ of Section 6; thence South 89°44'51" East 119.92 feet to Church Lake; thence along the Westerly shore north 31°12'15" West, 33.42 feet; thence North 04°01'55" West, 50.00 feet; thence North 01°29'07" West, 50.00 feet; thence North 06°56'29" East, 49.06 feet;

thence North 00°04'43" West, 112.75 feet; thence South 89°44'51" East along a line 25.00 feet south of and parallel to the North line of Section 6 and along the south right of way of State Road #46A for a distance of 414.64 feet; thence South 00°06'26" West, 15.00 feet; thence South 89°44'51" East along a line 40.00 feet South of and parallel to the said North line of Section 6 and along the South right of way line of State Road #46A for a distance of 745.00 feet; thence South 00°06'26" West along the West right of way line of the Seaboard Coastline Railroad (presently abandoned) for 1730.09 feet thence South 89°53'25" West along the occupied North line of the South 1281.20 feet of Government Lot 4 for a distance of 1257.93 feet to the POINT OF BEGINNING.

Contains: 51.957 Acres, more or less and being subject to any easements, restrictions and right of way record.



PROPOSED REVISION		
COLLEGE CENTER HEADQUARTERS PLD DEVELOPMENT PROGRAM LAKE HART AND SEMINOLE COUNTRY		
LAND USE	AREA (AC)	SF (ACROSSMENTS)
OFFICE	15.5	7,750,000 SF
COLLEGE ADMINISTRATIVE		860,000 SF
		14,000 SF (OFFICE 11)
RETAIL	15.1	7,500,000 SF
INVEST		20,000 SF
OFFICE		120,000 SF
OFF-CAMP	1.8	24,000 SF
WALK-TO-WALK	0.8	100,000 SF
OPEN SPACE / LAKE / RECREATION	81.6	
PARKS	15.1	
WATER OF BAY	15.8	
TOTAL	140.1	

- (1) Development of 14,000 sq. ft. of office as a part of College/University shall be deducted from the total office allocation.
- (2) Development of office on tract A shall be deducted from the total office allocation.
- (3) Office use includes Subject Related / Commercial uses.

REVISIONS						SUBMITTAL	DATE
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION		
		SHUTTS & BOWEN, LLP, 300 SOUTH GRANGE AVE P.O. BOX 4956 ORLANDO, FLORIDA 32802-4596 (407) 423-3300			KINKEAD-HARRIS & ASSOC., INC. Project Information Consultant SUITE 200 3660 MARQUISE BLVD. ORLANDO FLORIDA, 32803 (407) 836-1531	DAY OR NIGHT  N/A  TEAM APPROVAL  NO TAG  SUBMIT	
			ORIGINAL	YES	REVISED TABLES		

**BOWYER SINGLETON & ASSOCIATES, INCORPORATED**  
 520 SOUTH MAGNOLIA AVENUE • ORLANDO, FLORIDA 32801  
 407-645-5325 • ENGINEERING BUSINESS 4121

**ENGINEERING PLANNING SURVEYING ENVIRONMENTAL**

# REVISED MASTER PLAN

HEATHROW INTERNATIONAL BUSINESS CENTER PUD  
(AKA COLONIAL CENTER HEATHROW PUD)

SEMINOLE CO., LAKE MARY		FLORIDA	
DATE	APP. 2001	DATE	APP. 2001
DESIGNED	MEP	DESIGNED	MEP
CHECKED	MEP	CHECKED	MEP
SCALE	1"=400'	SCALE	1"=400'
PROJECT NO.	NAB7	PROJECT NO.	NAB7
TITLE SHEET	REVISION SHEET	TITLE SHEET	REVISION SHEET
SHEET	OF 1	SHEET	OF 1